WM. MACKELLER, Commissioner of Deeds.

ANYIDAVIT OF JAMES C. WILLET.

City and County of New-York, as.—James C. Willet, of said city, being duly sworn, says that he is let, of said city, being duly sworn, says that he is Sheriff of said county, and that on the loth day r'.

June instant he, in the discharge of his duly, conded upon Fernando Wood, at the Mayor's office, a about 3 to 34 o'clock, that after an interview with said Mayor on business having no reference to the process in this action, and prior to the collision that occurred at the rear steps of the City Hall, said Fernando Wood requested deponent to send for Coroner Perry, and say to him that he, said Wood, was informed that said Perry had an order of arrest to serve on him, that deponent immediately repaired to the Sheriff's office, and sent Deputy-Sheriff Stewart over to the Coroner's office to find said Perry. Deponent further says that he was in and around said City Hall during the entire day of the loth of June, and at no time heard or understood that there was any opposition made by said Wood to the service of the processin this action; but that he supposed at the time and

further says that he was in and around said City Hall during the entire day of the 16th of June, and at no time heard or understood that there was any opposition made by said Wood to the service of the process in this action; but that he supposed at the time and understood that the opposition of the Mayor was only to the right of the Metropolitan Police officers to serve criminal process.

Sworn before me this, the 23d Jane, 187.

W. H. STEPHENS, Commissioner of Deeds.

AFFIDAVIT OF JORN M'KIRREN.

City and County of New-York, et.—John McKibben of said city being duly sworn, says, he is one of the Deputies of the Sheriff of said city and county, and was on the 16th day of June inst.; that he was in the outer office of the Mayor of said city on the afternoon of that day, prior to 3 olclock p. m., where it was announced to the Mayor, Fernando Wood, that Coroner Perry had on that day been at the outer office of said Mayor for the purpose of serving process, and had been denied admission; deponent says that imone liately on said announcement being made, said Wood called for the messenger at the door, and ordered him to send for Coroner Perry.

Deponent says that he himself did, at the request of said Perrando Wood, go to the Sheriff's office, and outside the City Hall, and inquired for said Perry for the purpose of informing him that the Mayor wanted to see him, and he made diligent inquiries for said Perry but that he was unable to find him; deponent, while at the Mayor's office on the said 16th of June, heard said Fernando Wood direct the messeager to admit Coroner Perry whenever—

Deponent further says that all he has stated occurred at least one hour prior to any collision on that day between the Metropolitanfand Municipal Police, and that it was understood by deponent, so far as deponent knows by every person who had any interview with said Fernando Wood prior to the collision between the persons at or near the rear steps of the City Andrew of New York, ss.—John T. Stewatt of said City, being sworn, says that

WM. Mckellar, Commissioner of Deeds.

AFFIDATE OF MILSON M. DUTCHER.

City gold Country of New-York, ss.: Wilson M.

Durcher of said city and county, being sworp, says that for several morths last past he has been a member of the Police of the city of New-York and stationed at the outside of the door to the Mayor's private office, and was on duty at that place on the fifth of June inst. That the outer office of said slayor ground pied by the City Marshal and his cert, by the Justine and shoot dashistant normhals, by the Mayor's Complant Book clerk, by the Clerk, by the Mayor's Complant Book clerk, by the clerk of the Hersch Physician, and be ather persons all of whom have and occupy desks Book clerk, by the clerk of the Hosleh Physician, and by other persons, all of whom have and occupy desks in said office, and all of whom have persons constantly calling during the day to transfet official business; that the Mayor opcupies a satisffice madioning, and that the usual course for persons having business with the Mayor, is to inquire of deflo-ment; for deponent to take the name and aunotonce it to the Mayor, and for the Mayor, and the transfer of the mayor, and for the Mayor, and the Mayor a business with the Mayer, is to inquire of different; for deponent to take the name and annotage it to the Mayor, and for the Mayor to answer whether he can see the person so calling, and for deponent to communicate the answer. That it is an ordinary occurrence for the Mayor to reply that he is engaged and cannot see the person calling; that from one to five hundred persons call during the day at said effice to see the said Mayor, and that his official engagements require him to refuse to see many at the time they call; that owing to a difficulty growing out of the attempt of the plaintiff, Daniel D. Conover to take foreible possession of the office of Street Commissioner, there was an excitement around the City Hall, and that more than double the ordinary number of persons were in the outer office of the Mayor on Hall, and that more than double the ordinary number of persons were in the outer office of the Mayor on the said 16th, and seeking interviews with him; that some time after noon of the said 16th, Coroner Perry called at said outer office and informed deponent tha he wanted to see the Mayor; that deponent in the usual manner announced the name of said Perry; that the Mayor replied, "I am engaged and cannot see any person now;" that deponent did not know that said Perry had any process of this Court to serve, and did not inform said Wood that he had any process, nor did said Perry inform deponent that he had any such pro-

not inform said Wood that he had any process, nor did said Perry inform deponent that he had any such process; deponent further says, that the saine answer given to said Perry had been given to others during the day, and that he knows the fact said Wood was at the time that the said Perry called actually engaged in the transaction of important official business.

Deponent further says, that he used no violence toward said Perry on said 16th June, nor did he see any one else use violence toward him; that in a short time after said Perry had left, some person was admitted to see said Wood; that almost immediately was called and was told by said Wood that if said Perry came again to admit him, and to send some messenger to find him; that this order was given by said Wood at least an hour prior to the collision between the police at the rear steps of the City Hall.

Deponent further saith, that about 5 o'clock p. m. of the same day, said Perry again announced his name, and he was forthwith admitted to the Mayor's private office; and that said Perry came in alone, unassisted and unaccompanied by a military or other officer or person.

Sworn before me this 22d June, 1857.

Sworn before me this 22d June, 1857.

Sworn before me this 22d June, 1857.

and be was forthwith admitted to the Mayor's private office; and that said Perry came in alone, unassisted and unaccompanied by a military or other officer or WILSON M. DUTCHER.

Sworn before me this 22d June, 1857.

WM. McKELLAR, Commissioner of Deeds.

AFTIDAVIT OF C. W. HINCHNAS.

City and County of New York, ss.—Geo. W. Hinchman, being duly sworn, says that he is the Second Marshal, and that his desk and place of business is in the Mayor's outer office in said city: that he saw Coroner Perry in the out-office on the 16th of Jane inst.; that his attention was called to the fact of his presence by some loud talk, and that he saw said Perry walk out of said office, and that there was no violence or force used toward or upon said Perry in said office.

Sworn before me this 22d June, 1857.

WM. McKELLAR, Commissioner of Deels.

AFFIDAVIT OF ABRAHAM ACKERMAN.

City and County of New-York, ss.: Abraham Ackerman, of said city, being duly sworn says, that he is a police captain and is the person referred to in the affidavit of Frederick W. Perry: that he was present on the 16th of June inst. in the outer office of the Mayor when said Perry and they each spoke to the other in a friendly manner; that he did not hear said Perry mention the word warrant, order of arrest, or anything relating to any action or any process in any action. Depotent further says, that the only time during the day on the 16th of June when he or any person in his presence touched the said Perry was when they, in a friendly manner, shook each other by the hand, and that it is not true that deponent or any come in deponent's presence touched the said Perry was when they, in a friendly manner, shook each other by the hand, and that it is not true that deponent or any person in his presence touched the said Perry was when they, in a friendly manner, shook each other by the hand, and that it is not true that deponent or any come in deponent's presence touched the said Perry and forcibly and violently ejected said Perry from said appartment, or from

sclares to the fact that said Parry left the said outer office of said Mayor voluntarily and without any force or violence being used by said Ackerman, or by any ther person, toward said Perry.

(Signed) WM MURRAY and eighteen others.

Swop to this, 22d June, 1857. Comprisence of Produ.

When the reading of the affidavits had been concluded, Mr. Field said that without attempting an analysis of the documents now, it was enough for him to state, that there were contradictions in the statements the different deponents which required investiga-It is different deponents which required investigation. The statement of the Coroner, who was personally entirely trustworthy, he understood, was very circumstantial, and about it there could be no mixtake unless there was perjury somewhere. The affidavit of
the Mayor had proved a great deal too much. If the
Mayor had contented himself with saying that he did
not know there was an order of arrest, there might
have been a little more credit given to his statement.
To say this was very possible. But to say that after
these two interviews nobody knew that this was the
Coroner with a civil order and process, was saying a

these two interviews notsely access, was saying a little more than anybody considered by obsidere. This was not the time, however, to comment upon that; the Court would recollect that the most small course was to issue an attachment, and if an attachment had been issued, the Court would have had Wood asswer on each to each specific question, and they would have been permitted to select, only course the Court would have had Wood asswer on each to the profession of the court would have had Wood asswer on the Court would have had Wood and they would be content. As the the right can dealed was a reference to some proper person to take process of the facts on the permission to examine Permande Wood, on each, and any other witnesses which may be brought on the stand. With that examination they would be content. As to the right of the applicant to have such reference, if an attachment had been issued, Mr. Field referred to 2 Revised Statutes, section 19, page 626. Their wish, he continued, was to have the question determined whether Wood had been guilty of this gross misconduct which had threatened to involve the peace of this whole city. The power of the Court to order a reference was very clear, by section 271 of the code, third subdivision. They were desirous of having this investigation; the Coroner was niso desirous—he being propared with a great deal of circumstantial evidence which, as he fur. Field was instructed, would fasten the guilt of an infentional and willful resistance to the process of this Wood, whose without any intention to resist on the part of the Mayor and how Coroner Perry might have been mingled in his mind with the others; and that the ceter to show cause was totally insufficient to authorize it. The defendant having been grossly misrepresented by the public papers, and a criminal warrant having been issued to be served by a person whose without any intention to resist on the part of the Mayor. Here was a statement upon which the contended with the fact which resist in the part of the mind wh

charged on the spot.

Mr. Field—Do I understand you to say that you will consent that this be submitted to a jury! If you do, I will consent that is ue be framed at once, and that we will consent that issue be framed at once, and that we submit to a jury to-morrow the question whether the Mayor knew that a process had been issued against him by this Court previous to Coroner Perry calling with it in his possession.

Mr. Dean—I say that there is no case here to be sent anywhere: but if Coroner Perry wants his remedy, it lies in a civil suit.

Mr. Field—We want a Jury, and would be glad to

it lies in a civil suit.

Mr. Field—We want a Jury, and would be glad to have it. By section 72 of the Code, it will be seen that this Court has power to act in this matter by reference. My friend has spoken to Woods willingness to submit to process proceeding from this Court. He submits when powder, lead and bayonets are brought into requisition. When the Major-General says to him—Sir, if you don't submit to this, you shall do it at the point of the bayonet, he submits as tamely as an infant; but until then, aided by his armed Policemen, he was more violent. My friend says there are no disputed facts which are material in this case. What is the question involved? The question is whether or no, Wood, knowing, or having reason to believe, that there was a civil process out against him, resisted that process. Upon that point, the counsel says, we must take Wood's oath. Where is that found? I would ask. Why, the other day, I heard the gentleman contend that the Mayor was beyond the reach of criminal process by virtue of his office; but he does not say that here.

Mr. Dean—Yes, I do; I contend for that doctrine here as elsewhere; but in this case I waive that consideration.

that here.

Mr. Deau—Yes, I do; I contend for that doctrine here as elsewhere; but in this case I waive that con-

Mr. Dean—Yes, I do; I contend for that doctrine here as elsewhere; but in this case I waive that consideration.

Mr. Field—Then you abaudon the ground here. We are not bound to take his oath—we have a right to a cress-examination, because the law contemplates that you should pass upon the question whether or not he has been guilty of contempt upon the proofs, and other proofs, too, than the answer of the defendant on oath. If the question were to-day whether the members of the Metropoittan Police were wounded on the 16th while endeavoring to assist the Coroner in serving the process issuing from this Court, we would have affidavits by the bushel that those wounded men were not touched, and Wood would swear that he knew nothing about it. I shall not argue in answer to the position of the counsel that the affidavit on which this order was made is insufficient. If the Mayor of the city or anybod velse can seize an officer intrusted with the execution of a process and maltrea him, and turn him out of his office, without being responsible to the Court. I have learned something new of the power of Courts to enforce their processes. The learned counsel quite mistakes the power of the Court. This proceeding is for both civil and criminal contempt: as to its being a criminal contempt no one can doubt. Willful resistance is resistance knowing the fact. The party may suppose himself justified but that is not an answer. The Supreme Court of this State has held that if a man knows that there is an order, no matter whether he thinks he is justified or not, and he disobeys it, it is a willful resistance in the meaning of the statute. You will find that in 1st Denio, 457. But it is not under this statute with respect to criminal contempts that we proceed, so much as under the statute relating to proceedings for contempt in civil cases. The statute is section 1, page 503, 2 Revised Statutes. I need not refer you, Sir (for you are conversant with English Chabeery law, to the numberless eases where Courts have interfered and puni contempt; and second, are we bound to take his statement as conclusive? I insist that upon these affidavits there is no case made out for Wood. Why, Sir, were these 500 armed men intrenched in that City Hall all day? Was it lawful for him to do that to prevent men from arresting him? Is not that a contempt, and will you not put upon him the consequences of such an interference with the dates of the Ceroner in the service of an order? Nobely could serve a criminal or civil process upon him except by aking the power of the guitarry. What we desire in the first discussed. If it should be determined that

this matter is an investigation. If Wood be sincere in his desire to have the truth known, why will be not submit to be examined by anybody who will be selected as a referee by this Court, whose proceedings are open and not harricaded, and whose office is not surrounded by armed men? The Mayor can put out his affidavits by the cart-load from now till doomsday so long as he has his police under his control, which, I think will not be long.

which, it think, will not be long.

Mr. Dean-The gentleman asked why it was that
Mayor Wood had 500 men about the City Hall. I can
enswer that. He did it to preserve the peace of the

city.

Mr. Field—He falled most signally.

Mr. Dean—And he did preserve it.

Mr. Field—He preserved it! He preserved it in the same way that Rob Roy preserved the rights of reperty.

Judge Hoffman then gave the following decision on

some of the points raised by the counsel:

I feel it necessary to say a word here, though I shall not decide this motion at the present time. I congratulate myself—sand, indeed, I believe it is the good for time of most of the Judges in this city)—that applications of this kind are so race, as to make at least imposed destitute, from inexperience, of the necessary information, immediately to decide questions of constitution and the provision of the stature. This application arises under an order to show cause, mainly drafted by myself after an examination of the stature which has been referred to by Judge Dean—[2 R. S., page 278, section 10, and subdivision 4).—It being founded upon that, an order to show cause appeared to me to be the proper as well as the legal course to be pursuased—the direction of the statute being that the party shall have notice of the accusation against him for a reasonable time to prepare for his defense. The affidavits which are now produced presumptively make of intentional resistance to the service of the process of the Court—consists in the intention; and the existence of that intended resistance—the criminality of contumacy in regard to an order of the Court—consists in the intention; and the existence—unless he had an order, to which the defendant from the charge of intentional resistance to the service of the process of the court. His own and the existence—unless he had that knowledge, or some information that Coroner Perry attempted to serve this order, that he had an order, to which the defendant was bound to some information that Coroner Perry was there to serve such order, he could not be guilty of the attempt to violate or resist the process of the Court. His own and the foundation upon which was made to him was the foundation which was made to him was the foundation upon which he alleged intention of violating or resisting the process or order which was in his possession, and his desire to see the Mayor for the purpose of serving it. Not that is not impossible; because the upon an order to show cause (being squivalent 2 the notice of the accusations against the party) under this mode of proceedings—and when the defendant make a case sufficient to exempt him, it is the course of practice in similar instances to give an opportunity to the party making the accusations for further inquiry, and to adduce testimony, and if that he the case, whether a reference of the matter to a referee would be the proper mode. I will therefore adjourn the case for decision on the application until Thursday at 1 colock.

THE STREET COMMISSIONER QUESTION.
SUPREME COURT—SPECIAL TERM—JUNE 23 —Before Judge
In the matter of the application of Daniel D. Conover to compel
Charles Deviin to deliver the books and papers of the Stree
Commissioner's office, &c.
This matter came up at 12 o'clock this morning be fore Judge Peabody, in the General Term room. Mr. If you do, I Conover was in court, as well as his counsel, Messrs. Devlin was also present and sat with his counsel, James T. Brady and A. J. Willard. Mr. Busteed appeared on behalf of the City. Mr. Daniel Sickles also sat with the latter-named gentleman, but appeared to take no part in the case.

Mr. Field read Mr. Conover's petition upon which the order to show cause was granted, and which has heretofore been published.

Mr. Brady then read the following

Mr. Brady then read the following

AFFIDAVIT OF MR. DEVLIN.

City and County of New York, as.—Charles Devlin of said city, being duly sworn, saith that he is in possession of the office of Street Commissioner of the City of New York, and was in possession of said office and its books, records, maps and documents, and performing its duty, when he received the order to show cause in the proceeding above entitled.

And this deponent further saith that he is advised and believes that he is in law and in fact Street Commissioner of said city, and entitled to hold that office.

That deponent was duly appointed to said office on the 18th day of June, 1857, by the Mayor of the City of New York, with the salvice and consent of the Board of Aldermen of said city.

That he has accepted the said appointment, and has duly taken and filed his oath of office as such Street Commissioner, and given the requisite security as such according to law.

Deponent further saith that at the time he was so appointed, Charles Turner was, as he has been informed and believes, performing the duties aforesaid, claiming and having, as deponent has been informed and believes, the right to do so in virtue of his holding the office of Deputy Street Commissioner for the City of New York.

Deponent hastly saith that he has been advised and believes

his holding the office of Deputy Street Commissioner for the City of New York.

Deponent harly saith that he has been advised and believes that Daniel D. Conover has no right or title whatever to the office of Street Commissioner for said city.

Sworn this 22d day of June, 1857, before me, JAMES SANDFORD, Commissioner of Deeds.

Mr. Brady asked to know whether there would be any objection to Mr. Busteed and Mr. Willard and himself appearing in the case, the former for the city and the latter two for Mr. Devlin? None being made,

himself appearing in the case, the former for the chigh and the latter two for Mr. Devlin? None being made, he went on to state a preliminary objection.

This is in the nature of a replevin suit, for the purpose of obtaining the papers, &c., of an office, and not a proceeding for the purpose of testing title. The reasons for this opinion are numerous, among them political reasons, not reasons as between the two parties in conflict in this city, but upon the highest political grounds. He did not think this summary application a proper mode of determining the title to edite. Would it not be best to have this question determined before going into the main one at issue?

Mr. Field could see no reason for such a course. Though summary, though not in all points answering to a groot varrante, this might be a proper method whereby to determine the question of title. Suppose Mr. Devlin to be a mere intruder, with no color or right to the office, would not Mr. Conover, if lawfully Street Commissioner, be entitled to the books and papers of that office, in virtue of being entitled to the effice itself.

Judge Peabody observed that he was inclined to

office itself!

Judge Peabody observed that he was inclined to agree with Mr. Brady that this proceeding did not raise the question of right to an office, but merely of possession. But this question he thought to be the vital one in the case, inasmuch as it involved the point as to which party was actually in possession of the office under a claim of right. He thought the whole whell the discussed of the case.

might be discussed at once.

Mr. Field proceeded to open the case. He would show that this was the proper mode of proceeding, and that Mr. Devlin was an intruder in the same sense that any man would be who should go into the County Clerk's office, turn him out and take possession of his

official documents.

Mr. Brady would like to know whether Mr. Field

proposed to go into proofs, or to discuss the case upon the papers now introduced. Mr. Field replied that he meant to argue that

he had no right to that office, there could be no further question before the Court. If the contrary, the proof of intrusion and of actual possession of the office could be gone into, to show that there was an intruder whom it was the duty of the Court to deprive of the decuments of the office. The proceeding was under s. 61; page 336, 2 Revised Statutes [4th edition] [which is to be found in Mr. Field's points below.] The fact as to who was legally in possession of the office would then be in controversy and a matter to be detecnined by proof. If it could be shown that Mr. Conover, under an appointment from the Governor, for which there was at least the color of right, was in possession of the office and transacting its business, when an armed nob burst into the building and forcibly ejected him, and that subsequently Mr. Devia seized the bod's of the office, the fact would be relevant and important.

books of the office, the fact would be relevant and important.

Mr. Brady insisted that this proceeding applied only in the case of a person whose title to an office was undisputed. It was to decide whether that person had possession of the papers when they were taken from him by one who had no show of right. In defense of the holder's possession, it was only necessary to show that it was under a bona fide claim of right. There were no disputed facts upon the application, and there was therefore, no occasion to take proofs. In support of this position, Mr. Brady cited a number of authorities, upon all of which Mr. Field stated that he himself relied, and which are quoted in his points. The quo warranto was, he said, the only mode by which to try the title to office, and he understood that the papers were already being drawn for such a proceeding.

Mr. Field proposed to put in an artidavit to show the circumstances under which Mr. Devlin obtained possession of the office, and the Contruled that such an affidavit would be admissible. Mr. Brady said he night want to present a counter affidavit.

Mr. Field proceeded, with his associates, to draw the following affidavit, which was then introduced:

Mr. Converte a Aprilavit.

Daviel B. Converte a Aprilavit.

office, since the foreble expalsion of depunent; and furth that, as deponent is informed and believes, Charles Turner in never had any pessession of sair rooms or the office of the Street commissioner, except as deputy under deponent or some other person.

D. D. CONOVER.

Sworn, June 23, 1857, before me, C. A. PEARODY.

the very question which the Court had declined to try here.

The Court interrupted Mr. Busteed, saying that "I decide" may take any position it pleased.

Mr. Busteed remarked that that disposed of the first objection, but he had another to make. The affidavit presented an entirely new state of facts, as compared with those presented in the original potition. It raised questions both of law and of fact, and he and his associates required time for consultation as to their next course of proceeding.

The following, which were handed up to the Court, are the points of Mr. Field, upon which he will argue on Wednesday:

MR. FIELD'S FOINTS.

First Point—Mr. Conover has been duly appointed to perform the duties of the office made vacant by the death of Mr. Tayler, the late Street Commissioner.

1. The Constitution of the State (article 10, section 5) has made it the duty of the Legislature to provide for filling the vacancy accasionce by the death of the late incombent, by declaring that "the Legislature shall provide for filling the vacancy accasionce by the death of the late incombent, by declaring that the Legislature shall provide for filling the vacancy accasions by the death of the late incombent, by declaring that the Legislature shall provide for filling accasion in the first annual election after the happening "free wacant, until the commencement of the political year end of the vacancy at which such officer could be by law elected."

At the time of the passage of this sat, no provision had been made by law for fillings a vacancy in the office of Street Commission in the first annual election after the happening "of the vacancy at which such officer could be by law elected."

At the time of the passage of this sat, no provision had been made by law for fillings a vacancy in the office of Street Com-

principal of the Mayor, with the advice and consent of the appointed by the Mayor, with the advice and consent of the He and of Aidermen." Bot this provision does not attach to the Mayor till the ist of January, 1838, nor to the office of Street Commissioner till the let of January, 1839. This limitation to the 18th section is given by the 5it section, which is in these words: "The Mayor, Aidermen and Councilmen provided for in this Act, shall be elected at the first election for Charter officers to be held after the passage hereof, which election shall take place on the first Recady of December, 1837. All persons who shall have been elected under former laws regulating or affecting the election of Charter officers, and shall be in office at the time of the passage of this Act, shall continue in office until the officers of Commissioner of General of the continue in the current of the passage of this Act, shall continue in the current of the former of Repairs and Supplies and of Commissioner of Streets and Lamps are hereby abolished, and except that the persons now filling the several offices of Commolisioner of Streets and Lamps are hereby abolished, and except that the persons now filling the several offices of Controller. Counsel, to the Corporation, Street Commissioner and City Inspector, and shall not be removed from office during such continuance, and shall not be removed from office during such continuance, except for the cause and in the manner provided for in section 20 and 49 of this Act, and all other Charter officers, and all School officers, and each Governor of the Alms House, whose terms of office may expire with the present municipal year, shall also be elected on the day before provided for by this section."

Second Point.—Mr. Conover having been duly appointed to

School officers, and each Governor of the Alms House, whose terms of office mey expire with the present municipal year, "shall also be elected on the day before provided for by this "section."

Second Point.—Mr. Conover having been duly appointed to the office, is entitled to an order for the delivery to him of the office holess and papers, and the following section of the Revised Statutes. I R. S., 339 (4th ed.)

Sc. 66. "If any person appointed or elected to any office shall die, or his office shall in any way become vacant, and any books or papers belonging or appertaining to such office may in like manner as hereinbefore prescribed demand such books or papers from the person having the same in his possession; and on the same being with the manner make oath of the delivery of such books and papers hat ever came to his possession; and in case of omission to make such each and to deliver up the books and papers so demanded, such person may be contained and the person books and papers to demanded, such person may be committed to jail, and a search warrant may be lasted, and the property seized by a virtue thereof, may be delivered to the compaisant as herein before prescribed." (Matter of Wolting, 2 Barh, 518).

Third Point.—The objection that Mr. Conover has not filled his eath of office and officia bond is not tenable. He has taken the oath, and not being able to see the Mayer, filed it in the office which is clerk. He has executed a proper bond, with the requisite scareties, which the Mayor refined to see, and it successor filed with the Controller, without the Mayor's approval. The Mayor could not defeat the execution of the office, nor the public of his services.

Four M Foint.—Nor is if a tenable objection, that the Constitution and the provides that the filling vacancies in office, nor the public of his services.

Four M Foint.—Nor is if a tenable objection, that the Constitution requires under the hand to affece a shall be elected by city electors, or appointed by city subcross of the Constitution appli

Laws of 1847, th. 201. So the law provides that persons to till the offices of Sheriffs, Coroners, County Clerks and District Attorneys shall be appointed by the Governor, in case of we cancy, though the Constitution provides that all these officers, b. 360; Laws of 1843, ch. 4, and Laws of 1843, ch. 22. 9 Paige, b. 360; Laws of 1843, ch. 4, and Laws of 1843, ch. 23. 9 Paige, b. 360; Laws of 1843, ch. 4, and Laws of 1843, ch. 24. 9 Paige, b. 360; Laws of 1843, ch. 4, and Laws of 1843, ch. 25. 9 Paige, b. 360; Laws of 1843, ch. 4, and Laws of 1843, ch. 25. 9 Paige, b. 360; Laws of 1843, ch. 4, and Laws of 1843, ch. 25. 9 Paige, b. 360; Laws of 1843, ch. 4, and Laws of 1843, ch. 25. 9 Paige, b. 360; Laws of 1843, ch. 4, and Laws of 1843, ch. 25. 9 Paige, b. 360; Laws of 1843, ch. 4, and Laws of 1843, ch. 25. 9 Paige, b. 360; Laws of 1843, ch. 4, and Laws of 1843, ch. 25. 9 Paige, b. 360; Laws of 1843, ch. 4, and Laws of 1843, ch. 25. 9 Paige, b. 360; Laws of 1843, ch. 4, and Laws of 1843, ch. 25. 9 Paige, b. 360; Laws of 1843, ch. 24. The Court of Appeals.

COURT OF SPECIAL SESSIONS—JUNE 21.—Before Justices Osanosa and Convent. The corner devoted to imprisoned human beings charged with a violation of the laws was crammed and jammed to almost literal overflow with saw are mined and jammed to almost literal overflow with saw are mined and jammed to almost literal corner devoted to the product of the continuous control of the product of the control of the product of the product of the control of the product of the p

ery on George Goodrich, the bettery consisting in angelly

tery on George Goodrich, the hattery consisting in angelly striking Goodrich with the tail of his coat. Being an old oin ar, he was entenced to the Penthentiary for three mouthst oin ar, he was entenced to the Penthentiary for three mouthst oil of the was entenced by the Penthentiary for three mouthst oil of the way, for a term at least. She was convicted, and sent to the Penthentiary for four months.

Joseph M. Berkes was arraigned for assault and lattery on Charles Gorkenhols of No. 105 Hester street, on the 19th of June. Discharged at the request of complainant. George Smith was arraigned for stending, on the 19th of June, from Benjamin F. Pinckney of No. 118 Fulton street, one keep of white lead, valued at \$20. Fund guilty, and sentenced to the City Prison for two months.

Edward Flynn was charged with the larceny of a coat, valued at \$20. on the 11th of June, the property of £4 ward Brennin of No. 192 East Thirty-second street. The accuracy from his place outside the bar, was proceeding to contradict the witness, and to explain how be came by the coat, when Judge Oeborn interrupted him, saying, "I choose to believe the witness before you?" He was convicted and sent to the Perticularly for four months.

John Monnham was arraigned for an attempt at stealing perk or the 19th of June, from Asron Browning. No evidence of felonions intent could be conclusively adduced against this defendant. All that could be proved was that Browning had pork in his cellar and the accuracy was found there, in the might time asheep. No pork was missed, and he outside

percended to be a Deputy-Sherif, and undertook to arrest the officer. At length the officer succeeded in arresting Garratty, when the latter strucked tried to bite the policeman. He was committed and fixed \$10.

Francis Coliman and Thomas Burke, were arraigned for a most violent and dangerous assault and battery, between three and four ofcicek on Sauday merting last, at a public house in Center street, on Officer John J. Quinn. Quinn presented himself in Court this morning, with his face covered with bandages, and when he uncovered it to testify, it presented a paintif and shockingly bringed and punmalled appearance. From his testimony, it appeared he was purceing his ordinary round, and entered this public house at No. Life Center-street, where were those defendants, enaying the heavy of drink. Quinn interpoded as an Officer, to hush their rowdyism, when Coliman seized him by the throat, and Burke struck him and knocked him down. After he had him down, he stamped on him, easing, "you son of a b—"h, now

TARIOR HOLIDAR AND GEORGE KEARTHY WORT CHARGEST with steading, on the 19th of June, one barrel of geness, whiching 200 line, and valued at \$4.15, from Laurence Lyons, between Sixth and Seventh avenues, and Fifty-sixth and Fifty-inith streets. Discharged, no witness appearing.

Ann Burns and Flizzabeth Gillen were arraigned, for stealing, on the 19th of June, one hat, the property of John Mellbarger, No. 167 Grand street. Both convicted, and sentenced to the Peninenlary for three months each.

Susan Reynelds was charged with assault and batter, on the 19th of June, and Carrell No. 3 Melbert.

John D. Richard (colored) was arraigned for stealhig on the list of June \$1\$ in eliver and copper coin from James
Winn, and discharged at request of complainant.

Albert Gardner, charged with stealing an empty
barrel, of the value of 18 cents, from Michael McCann, was
discharged, no witnesses appearing.

Mattida Green, charged with stealing a slate, of the
value of 30 cents, was discharged, no witnesses appearing.

James Dungan, arraigned for the larceny of four
grain bags, of the value of 32 cents, was discharged, no witnesses appearing.

George Palmer, arraigned for assault and battery
on Michael Gallagher, was discharged on account of absence of
witnesses.

witnesses. George Spitzer, arraigned for assault and battery on Frederick Kremmell, was discharged—no witnesses appear-

Joseph Smith, arraigned for stealing a pair of gaiters, was found suity, and sentence suspended.

Here Judge Osborn requested Diffeer McGowan to
present his compliments to those officers who were witnesses
in cases on trial, and who were absent from the trial of these

in cases on trial, and who were absent from the trial of these causes.

Frank Cresh, was charged with assault and battery on the 7th of June on Jacob Wilsey, of the Sixth Ward Folice, by attempting to stab him. The complaint was withdrawn.

James McGiee was charged with assault and battery on Thomas Butler, on the 16th of June, by throwing a stone at him. Found guilty, and sentence suspended.

John Fagan, policeman, was charged with assault and battery on Minna Terrenthelts on the 12th of June, and dismissed at the request of complainant.

Patrick McCann, arraigned for assault and battery on the 26th of June on Jacob Wilsey of the Sixth Ward Folice was convicted, and sentenced to the Penitentiary for one month.

Thomas Ryan, charged with stealing on the 26th of June bank notes and copper wire of the amount of \$6\$, the property of Hugh Tiplett, No. 250 West Thirty-first street, was dismissed, no witness appearing.

William H. Davton, keeper of an exchange office in

June bank notes and copper wire of the amount of \$6, the property of Huah Tiplett, No. 260 West Thirty-first street, was dismissed, no witness appearing.

William H. Dayton, keeper of an exchange office in Bleecker street, near Broadway, was arraigned for assault and battery on John H. Hillyer, by shoving him away from his step in front of his office. The evidence proved a mere technical assault, and the defendant was simply fined \$10.

John S. Sebert, charged with assault and battery by the same party, Hillyer, and growing out of the same transaction, was found guilty, and sentence suspended.

Mary Ann Capher was arraigned for assault and battery, on the complaint of Annie Hollister, a teacher in one of the City Schoole, for coming to the school and visiently assaulting Miss Hollister, on account of some familed wrong Mrs. Capher claimed her child had soffered from Miss Hollister and in the presence of the popils. The Court feit compelled to convict the defendant, and fined her \$6, which was after remitted.

Edmund Burke, arraigned for stealing a tumbler on the 14th of June, of the value of twelve cents, from John Merenna, was discharged, no witnesses appearing.

The case of Johnny K. Lyng, claiming damages for \$175 from August Spreer, for running into him with his lagerbeer wagon, is settled.

Adjourned to 9 o'clock Thursday morning.

BROOKLYN COURT OF SESSIONS—June 25 —Before Judge Morris and Associates Emmons and Schoommark.
This Court assembled yesterday morning, when the Court proceeded to impained the following Grand Jury: Charles Kelsey, foreman; F. B. Evans, A. Brown, Ankill Poge, S. A. Graves, Henry Taney, Win, Collins, Char. S. Rooth, Peter Kelly, John Cheney, Aaron Storer, Robert Woodruff, Harold Dobert, Flurity Buncan, Joseph H. Field, Lewis M. Baildwin, David Fitman and Bernard Boyle.
The District Attorney announced that all witnesses in criminal cases before this Court must be present on Thursday morning at 10 o'clock.

COURT OF APPEALS—Juve 23, 1857.

Argument of No. 6 concluded. No. 7, Blakely agt, tldrich, argued: Mr. Nicholas Hill for app't; Mr. E. J. Pheips or resp't. No. 2 Hayner agt. James, argued; Mr. W. A. Beach or app't. Nr. Nicholas Hill for resp't. L. Nicholas Hill for resp't. Calender for 24th—Nos. 11, 15, 16, 17, 18, 19, 262, 12, 22, 23, 25, Adjourned until to-morrow morning at \$\frac{1}{2}\$ o'clock.

44 to 51 inclusive.

SUPREME COURT, CIRCUIT.—Nos. 3084, 2675, 727, 8391, 740, 963, 963, 967, 969, 915, 914, 915, 916, 917, 919, 920, 921, 924, 925, 927, 175

SUPREME COURT.—Special Term.—Nos. 79, 160, 241, 113, 125, 149, 199, 164, 243, 174, 9, 11, 116, 260, 8, 157, 173, 169, 143, 167.

43.167. COURT OF COMMON PLEAS-Nos. 1164, to 1184, nclusive, 788; 565], 1079.

PUBLIC MEETINGS.

METROPOLITAN POLICE COMMISSIONERS. The Commissioners met yesterday at their rooms in White street, and considerable business in the way of removals and appointments was done. There was a very large attendance of persons anxious to serve the city, they all feeling very sanguine that the decision of the Court of Appeals would be favorable to the new

the Court of Appeals would be favorable to the new law.

Some thirty persons were dismissed for insubordination, and the following named persons were appointed for the Sixteenth, Eighteenth and Twentieth Wards.

Appointments—James Hurley, Seguine's Pedat; Horsce A.
Biles, Herry Otter, Dewitt C. Smith, Henry Foss, John H.
Tunner, Fefer Boyart, W. J. Williams, Jocob C. Bumsted, J. R.
Weed, Jihin Howe, Matthias Bruin, James H. Bradley, J. T.
Brooks, C. H. Taylor, Chas, W. Little, James Ackerman, F.
Mclatire, Robert Stephenson, James Rockwell, Henry Brayton,
Samuel Jenness, A. B. Stadden, John C. Barker, John R. FerRins, Russell Meyers, James Guillaird, James G. Pinch, G. R.
Jenp, A. T. Hunt, A. B. Marston, F. J. Banfield, Joseph Romaine, Geo. W. Church, Thomas Wilson, Oscar Van Tassel,
Robert Smith, Henry Walfert, B. Lamson, Benjamin Lawrence,
Jeren Lish Betty, F. Van Hasen, Alexander Linckback, Benj.
Burrell, P. H. Stickle, Robert Brown, J. Z. Chutkowski, Pafrick
Ryan.

The following is a letter from Dr. Bigelow in regard

Ryan.

The following is a letter from Dr. Bigelow in regard to the condition of Officer Crofut:

To Simkon Drafer, Esc., Prendent of the M. Police Com-

To Similon Deares, Esy, President of the M. Police Commissioners:

Dras Siz: I have to report to your homorable body, through the property of the property of

BOARD OF TEN GOVERNORS.

BOARD OF TEN GOVERNORS.

The usual weekly meeting of the Ten Governors was held yesterday afternoon, at the Rotunda.

The question respecting the politics of the employees under the Governors was called up. Reports from the Wardens were handed in by the Wardens, but as some of the reports were not complete they were sent back. After some discussion, it was decided that the male employees of the Board be requested to stat their politics, and the result to be reported to the Board by the Wardens.

A vote of thanks was received from the Common Council of Boston for allowing the children of Randall's Island to visit them on the celebration of the 4th of July by the children on Randall's Island.

Island.

Rumber of mg June 20: Bellevne Hospitiai	
Total	